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Reapportionment of Districts. Initiative Constitutional Amendment.

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Jim Gonzalez & Associates, LLC

SA2005RF0006

January 4, 2005

Honorable Bill Lockyer
Attorney General of California
1300 I Street, #125
P.O. Box 944255
Sacramento, CA 94244-2550

Attention: Trish Knight, Initiative Coordinator

HAND DELIVERED

Dear Attorney General Lockyer:

This is to formally request your office to prepare the Title and Summary for the attached initiative entitled "The California Fair Voting and Equal Representation Act" (option IV). The initiative text is three (3) pages in length.

Also attached is a check in the amount of \$200.

I am a citizen of the United States and registered to vote in California.

Thank you kindly for your prompt attention to this request.

Sincerely,

Robert W. Harris
Proponent

Attachments:

Cover Page – 1 page
Initiative text – 3 pages
Confidential voter information

RECEIVED
JAN - 5 2005

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

SA2005RF0006

The California Fair Voting and Equal Representation Act

(Option IV)

3 pages not including this cover

RECEIVED
JAN - 5 2005

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

SECTION 1. Findings and Declarations of Purpose

The People of the State of California find and declare that:

(a) The federal Voting Rights Act of 1965, as amended, protects the voting rights of all people eligible to vote in the State of California, as guaranteed by the Fourteenth and Fifteenth Amendments to the United States Constitution.

(b) The federal Voting Rights Act of 1965, as amended, prohibits any State or local government from imposing any voting qualification or practice that results in a denial or abridgment of the rights of any citizen to vote on account of race, color or language spoken.

(c) Section 2 of the Voting Rights Act of 1965, as amended, ensures that members of a class of citizens protected by the Act do not have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

(d) The dilution of minority voting strength is contrary to public policy. The right of meaningful political participation of minority citizens is recognized. No vote cast in this State should be worth relatively more or less than another on account of the voter's race, color, ethnicity or language spoken, nor on account of the drawing of district lines.

(e) To promote the purposes of the Voting Rights Act of 1965, as amended, the political process leading to nomination and election by the voters of the State shall be open to participation by such voters so that all such voters have equal opportunity to participate in the political process and elect members of their choice.

(f) In order to assure that our representative system of government is open to public scrutiny and free of conflicts of interest, that it fairly reflects the demographic composition of California's diverse population, and that it embodies the principle of "one person, one vote," the People of the State of California hereby adopt "The California Fair Voting and Equal Representation Act."

SECTION 2. Amendment of Article XXI of the California Constitution

Article XXI of the California Constitution is amended to read (added language shown in underline text, deleted language shown in strike-out text):

§1. Decennial adjustment of boundary lines

Section 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts in accordance with the standards and provisions set forth in Section 2 of this article. The Legislature shall appoint a bipartisan advisory commission of non-State legislators, comprised of

an equal number of members from the two largest political parties in California, to produce a plan or series of plans for consideration and deliberation by the Legislature.

§2. Standards

Section 2. (a) Each member of the Senate, Assembly, Congress, and the Board of Equalization shall be elected from a single-member district. Districts of each type shall be numbered consecutively commencing at the northern boundary of the state and ending at the southern boundary.

(b) The population of all districts of a particular type shall be as nearly equal as practicable. For Congressional districts, the maximum population deviation between districts shall not exceed federal constitutional standards. For state legislative and Board of Equalization districts, the maximum population deviation between districts of the same type shall not exceed one percent except in unusual circumstances, and in no event should the deviation exceed two percent.

(c) Districts shall comply with the requirements of the United States Constitution and any applicable federal or state statute, including the federal Voting Rights Act of 1965, as amended.

(d) Every district shall be contiguous and reasonably compact.

(e) A redistricting plan shall not have either the purpose or effect of diluting the voting strength of racial or language minorities and shall otherwise comply with Sections 2 and 5 of the Voting Rights Act, as amended, and the 14th and 15th Amendments of the United States Constitution. A redistricting plan is not acceptable if it affords members of a racial or language minority group less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. Districts shall not be drawn to pack or concentrate minority group members into as few districts as possible. The redistricting plan must not decrease the probability that members of minority groups will participate in the electoral process, particularly in areas with high concentrations of racial or language minority populations.

(f) The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent possible without violating the requirements of any other subdivision of this section.

(g) Communities of interest, including ethnic, cultural, economic, trade area, geographic, and demographic factors, shall be preserved within a single district to the extent practicable, subject to the preceding subdivisions of this section.

(h) No census block shall be fragmented unless required to satisfy the requirements of federal law and the preceding subdivisions of this section.

(i) It is permissible and relevant for the redistricting plan to consider voting history of the electorate, but only as necessary to enforce the preceding subdivisions of this section.

~~SECTION 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts in conformance with the following standards: (a) Each member of the Senate, Assembly, Congress, and the Board of Equalization shall be elected from a single member district. (b) The population of all districts of a particular type shall be reasonably equal. (c) Every district shall be contiguous. (d) Districts of each type shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary. (e) The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent possible without violating the requirements of any other subdivision of this section.~~

SECTION 3. Severability

If any provision of this measure or the application thereof to any person or circumstance is held invalid, including, but not limited to, Section 1, subdivision (b) of Article XXI, that invalidity shall not affect other provisions or applications which can reasonably be given effect in the absence of the invalid provision or application.

SECTION 4. Conflicting Ballot Measures

(a) In the event that this measure and another measure or measures relating to the redistricting of Senatorial, Assembly, Congressional, or Board of Equalization districts is approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such measure or measures, this measure shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. If this measure is approved but does not receive a greater number of affirmative votes than said other measure or measures, this measure shall take effect to the extent permitted by law.

(b) If this measure is approved by voters but superseded by law by any other conflicting ballot measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force of law.